

# HellerEhrman

ATTORNEYS

January 22, 2004

*Via Facsimile & U.S. Mail*

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Christine P. Sun  
Keker & Van Nest LLP  
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San Francisco, CA 94111-1704

**Re: Overture Services, Inc. v. Google Inc.: Discovery Issues**

Dear Christine:

This letter confirms our telephone conversation yesterday regarding damages discovery. As a compromise, Overture proposed that the parties set a date certain after the claim construction hearing, *e.g.*, April 1, 2004, on which they would exchange damages discovery. You stated that you would consider the proposal and respond either in the affirmative or with a counterproposal today if possible. I look forward to your response.

In addition, I have not received any response from you regarding the two additional outstanding discovery issues set forth in my January 12 letter. Unless notified otherwise, I will assume that Google will produce responsive documents, excluding source code, regarding AdSense as well as "search logs" and related documents on February 13.

Further, it is my understanding that you agreed to provide Overture's counsel with any documents received in response to Google's third party subpoenas. Please confirm that Google has provided to Overture all documents received to date.

Finally, please advise as to whether, under the terms of the Supplemental Protective Order re Outside Counsel Only Source Code, Google will permit Overture to have separate copies of Google's source code at the offices of Brinks Hofer and Heller Ehrman. Such an arrangement would be significantly more convenient and cost-effective for Overture, and would not prejudice Google.

Heller Ehrman White & McAuliffe LLP 275 Middlefield Road Menlo Park, CA 94025-3506 [www.hewm.com](http://www.hewm.com)

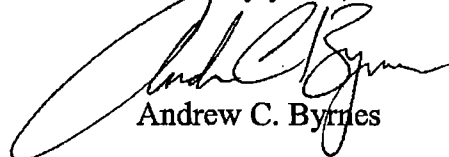
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Thank you for your prompt consideration of these matters. Please do not hesitate to contact me if you have any questions.

Sincerely yours,



Andrew C. Byrnes

cc: Jason C. White, Esq.